

Application No.: 09/840,008 Attorney Docket No.: SALK2270-4
Filing Date: April 20, 2001 (088802-5211)
Response to Office Communication (mailed June 25, 2004) faxed July 22, 2004
Page 9 of 10

Remarks

Courtesies extended to Applicants' representative in telephone conversations to clarify the status of the Sequence Listing are acknowledged with appreciation.

Claims 1-26 remain currently pending. Claims 3, 8, 13, 18, 23 and 26 have been withdrawn by the Examiner in response to Applicants' election of Group I claims with traverse. Accordingly, claims 1, 2, 4-7, 9-12, 14-17, 19-22, 24 and 25 are currently under consideration.

Applicants respectfully disagree with the Examiner's assertion that the Response filed on April 20, 2004 was not fully responsive (see Office Communication mailed June 25, 2004). First, the Examiner has repeated a requirement for sequence identifiers that Applicants have already met. Second, the Office Communication states that "the CFR [CRF] contained errors and could not be processed (see attached error report)" (see Office Communication mailed June 25, 2004), yet no error report was attached to describe the alleged problem(s) with the CRF.

With respect to the Examiner's request for correction of the specification pursuant to Applicants' submission of the Sequence Listing, Applicants respectfully submit that the application is in compliance with all provisions of 37 C.F.R. §§ 1.821-1.825. As noted in the Response filed on April 20, 2004, the specification has been previously amended to insert sequence identifiers. In an amendment mailed on April 19, 2002, the specification was first amended to replace pages 13, 15, 17, 59, 60, 62 and 63 to incorporate respective SEQ ID NOs. Subsequently, the specification was further amended on June 25, 2003 in connection with the submission of the corrected sequence listing.

In efforts to clarify the Office Communication, Applicants' representative spoke to the Examiner seeking to resolve any outstanding issues with the Sequence Listing and compliance with 37 C.F.R. §§ 1.821-1.825. Thus, during a telephone conversation with the Examiner on July 19, 2004, the Examiner informed Applicants' representative that the previously filed amendments did address the requests for the required material in conformance with the Sequence

Application No.: 09/840,008 Attorney Docket No.: SALK2270-4
Filing Date: April 20, 2001 (088802-5211)
Response to Office Communication (mailed June 25, 2004) faxed July 22, 2004.
Page 10 of 10

Listing and sequence compliance under 37 C.F.R. §§ 1.821-1.825. Furthermore, the Examiner confirmed that the CRF of the sequence listing was acceptable.


Therefore, Applicants respectfully submit that the Response filed on April 20, 2004 was fully responsive, and that all requirements under 37 C.F.R. §§ 1.821-1.825 have been met.

Conclusion

In view of the above remarks, prompt and favorable action on all claims is respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date: July 22, 2004



Stephen E. Reiter
Registration No. 31,192
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

FOLEY & LARDNER LLP
Customer Number: 30542
P.O. Box 80278
San Diego, CA 92138-0278